IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 14690 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

IQBAL MOHAMMED MOOSAJI KHEDAWALA

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 14690 of 2003

MR MM TIRMIZI for Petitioner No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 16/10/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned advocate Shri N.J. Shah appearing for Shri D.N. Patel,

Sr. Standing Counsel, for the respondent.

2. The petitioner had submitted his passport to the respondent as the petitioner wanted to have an additional booklet as the passport, which the petitioner is having, had no pages for stamping visas. It has been submitted that the passport was submitted to the authority on 22.1.2001. As the petitioner has not been given the additional booklet, and even his passport has not been returned to him, the petitioner has approached this court with a prayer that the respondent be directed to return the passport alongwith additional booklet.

3. Learned advocate Shri Shah appearing for the respondent has submitted that whenever any passport is received for the purpose of issuance of an additional booklet, normally the respondent authority would refer the matter to the police authorities to find out whether the concerned passport holder is involved in any criminal case. In pursuance of the aforesaid policy, the police authorities had been given details with regard to the petitioner and his passport.

4. It is the case of the respondent authority that the Addl. Commissioner of police, Special Branch, Ahmedabad City, has informed the respondent, under his letter dated 12.4.2001, that the petitioner is involved in a criminal case. In view of the said communication received by the respondent, the respondent would not like to return the passport to the petitioner so that the petitioner cannot leave the country without permission of the concerned court.

5. Upon hearing the learned advocates and upon knowing the fact that the petitioner is not handed over his passport and an additional booklet because of pendency of the criminal case, the petitioner is permitted to move the court where the criminal case against the petitioner is pending. If the concerned court permits the petitioner to leave the country for a particular period, I am sure that the respondent authority shall hand over the passport and issue an additional booklet to the petitioner.

6. Learned advocate Ms. Kureshi appearing for the petitioner has submitted that the petitioner is a travel agent and he is required to leave the country for his business somewhere in the last week of October 2003. It has been submitted by her that the petitioner shall submit an application to the concerned court so that an appropriate order can be passed on the application by the

concerned court. I am sure that the concerned court shall look into the facts of the case and try to expedite hearing of the application and shall pass appropriate order as soon as possible.

7. It may be noted here that though the respondent authority was informed by the Addl. Commissioner of Police, Special Branch, Ahmedabad City on 12.4.2001 that the petitioner was involved in a criminal case and, therefore, the respondent authority had decided to retain passport of the petitioner, the said fact was not informed to the petitioner. It is really deplorable that the authority retained the passport of the petitioner without giving intimation to the petitioner about the said fact. It is hoped that as and when such eventuality arises in future, the respondent shall inform the concerned passport holder and shall state the reasons for which the passport is not being returned.

8. For the aforestated reasons, and in view of the above observation, learned advocate Ms. Kureshi seeks permission to withdraw the petition so as to enable the petitioner to file an application before the appropriate court taking up criminal case filed against the petitioner.

Permission for withdrawal of the petition is granted. The petition stands disposed of as withdrawn. Rule is discharged with no order as to costs.

(A.R. Dave, J.)

(hn)